

REMARKS

Status of the Claims

Claims 1-36 and 39-44 are pending in the present application, Claims 37-38 and 45-46 having been canceled in the present amendment as being directed to a non-elected invention. Claims 39, 40, and 42-44 have been amended to achieve consistency between the apparatus claims (i.e., Claims 1-36) and the process claims (i.e., Claims 39-44), to enable such claims to be examined together. Claims 22, 25, 28, 33, and 43 have been amended to correct grammatical errors.

Election in Response to Restriction

The Examiner has indicated that this application contains claims directed to five groups of patentably distinct inventions. The Examiner indicates that a first invention (Invention I) is defined by Claims 1-36 and is directed to an apparatus for use in metal forming, classified in Class 72, subclass 389.8; a second invention (Invention II) is defined by Claim 37, and is directed to a press brake for use in sheet metal forming, classified in Class 72, subclass 481.9; a third invention (Invention III) is defined by Claim 38, and is directed to a bending die for use in sheet metal forming, classified in Class 72, subclass 462; a fourth invention (Invention IV) is defined by Claims 39-44, and is directed to a method for forming a work piece, classified in Class 72, subclass 313; and a fifth invention (Invention V) is defined by Claims 45-46 and is directed to a method for forming a channel in sheet metal using a press brake, classified in Class 72, subclass 315.

19 Applicant hereby affirmatively elects the claims of Invention I (i.e., Claims 1-36), with
20 traverse.

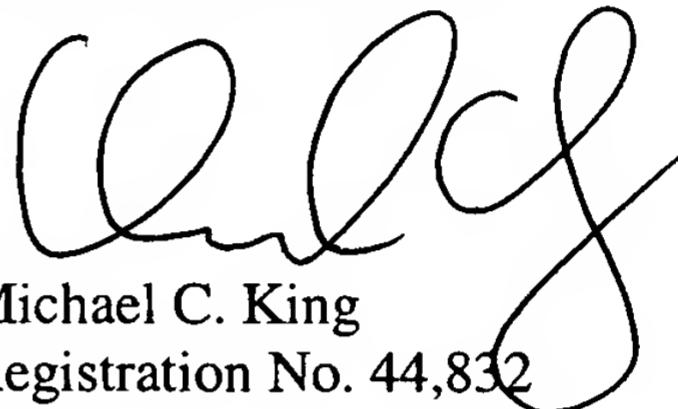
Traverse and Amendment of Claims 39, 40, and 42-44

22 Applicant traverses the restriction noting that the claims of Inventions I and IV are
23 sufficiently related that they should be examined together. Invention IV corresponds to Invention I,
24 by reciting a method for forming a work piece (such as sheet metal) while maintaining a
25 substantially fixed separation between adjacent edges of the first and second working surfaces, which
26 is an element common to Inventions I and IV.

27 The Examiner asserts that these inventions are distinct because “The apparatus can be made
28 by a materially different process, such as that not utilizing one or more work pieces.” It appears that
29 the Examiner is focusing on the fact that Claims 1-36 are specifically directed to an apparatus for
30 forming a work piece, where the work piece is sheet metal. Applicants have amended Claims 39, 40,

1 and 42-44 to recite sheet metal in place of the more general term work piece. Thus, as amended,
2 Claims 39-44 are directed to a process for forming sheet metal using the apparatus defined in
3 Claims 1-36. As such, Claims 1-36 and 39-44 should be examined together. In consideration of this
4 amendment, the Examiner is requested to modify the restriction requirement to include Claims 39,
5 40, and 42-44 as part of the claims directed to Invention I, which applicant has elected.

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7 Respectfully submitted,

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13 MCK/RMA:elm

14 MAILING CERTIFICATE

15 I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed
16 envelope as first class mail with postage thereon fully prepaid addressed to: Commissioner for Patents,
17 Alexandria, VA 22313-1450, on October 28, 2005.

18 Date: October 28, 2005

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